

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 27, 2001

APPLICATION OF

LOUDOUN COUNTY POWER COMPANY, LLC

CASE NO. PUE010171

For a certificate of public
convenience and necessity for
electric generation facilities
in Loudoun County

FINAL ORDER

On March 28, 2001, as supplemented on May 15, 2001, Loudoun County Power Company, LLC ("Loudoun County Power" or "Company"), applied to the State Corporation Commission ("Commission") for a certificate of public convenience and necessity authorizing construction and operation of electric generation facilities in Loudoun County. Loudoun County Power proposed to build a combined-cycle facility of up to 1,400 megawatts net generation capacity to be located east of the Town of Leesburg and adjacent to the Washington & Old Dominion Railroad Regional Park. In the alternative, the Company proposed to construct a combustion turbine facility of 535 megawatts net generation capacity.

By Order for Notice and Hearing issued May 25, 2001, the Commission docketed this case, assigned the matter to a Hearing Examiner, established a procedural schedule for interested

persons to participate and for the filing of certain documents, and scheduled hearings to receive public witness testimony and evidence on the Company's application.

On September 11, 2001, Counsel for Loudoun Power filed a letter with the Commission requesting a postponement of the evidentiary hearing in this matter, then scheduled for September 13, 2001. The Hearing Examiner issued a ruling on September 12, 2001, holding that the hearing scheduled for September 13, 2001, be convened for the sole purpose of receiving comments from public witnesses; and postponing the evidentiary hearing until further ruling by the Examiner.

By ruling entered on October 2, 2001, the Hearing Examiner rescheduled the evidentiary hearing for December 6, 2001. An evidentiary hearing on the Company's application was held in the Commission's courtroom on December 6, 2001, and December 7, 2001. By oral ruling at the evidentiary hearing on December 7, 2001, the Hearing Examiner continued the matter generally in order for counsel for the parties to find a mutually agreeable date to continue the evidentiary hearing and to further agree on a schedule for filing additional testimony and exhibits. On January 24, 2002, the Hearing Examiner issued a ruling establishing a procedural schedule for the filing of additional testimony and exhibits and rescheduling the hearing for March 6, 2002.

On February 22, 2002, Loudoun Power filed a Motion to Suspend Further Proceedings. In its Motion, the Company requested that the Commission suspend and continue all further proceedings in this case, including the hearing scheduled to begin on March 6, 2002. The Company stated in its Motion that certain recent events and market developments had caused it to conduct a review of the proposed project that may result in significant changes in its proposal. By ruling entered on February 26, 2002, the Hearing Examiner granted the Company's motion continuing the hearing scheduled for March 6, 2002, generally.

On February 27, 2002, the Company filed a Motion to Withdraw Application and Terminate Proceeding. In its Motion, the Company stated it would no longer pursue the proposed power generation project that is the subject of this proceeding. The Company requested leave to withdraw its Application, and requested that this proceeding be terminated.

The Hearing Examiner issued a Report on February 28, 2002, recommending that the Commission enter an order dismissing this matter from its docket of active cases and passing the papers herein to the file for ended causes. Comments to the Hearing Examiner's Report from parties were to be filed with the Clerk of the Commission within twenty-one (21) days from the date the Report was issued, or on or before March 21, 2002. On March 8,

2002, the Company advised the Clerk of the Commission that it would not file any comments. No comments were filed by any of the parties.

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that this case should be dismissed.

Accordingly, IT IS ORDERED THAT:

(1) The recommendations in the February 28, 2002, Report of Michael D. Thomas, Hearing Examiner, are adopted in full.

(2) This matter is dismissed and, there nothing further to come before the Commission, the papers herein are passed to the file for ended causes.